

ORDINANCE NO: 5293

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE XI, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO CHANGE THE REPORTING REQUIREMENTS FOR SMALL BUSINESSES

WHEREAS, the Memphis City Council believes that employees should receive a living wage especially in these tough economic times; and

WHEREAS, the Memphis City Council has established a living wage ordinance requiring contractors with the City of Memphis to pay a living wage; and

WHEREAS, that ordinance outlines how companies should report compliance to the City of Memphis; and

WHEREAS, the Memphis City Council recognizes that the reporting requirements for small businesses is cumbersome and excessive.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 2, Article XI, Code of Ordinances, City of Memphis be amended as follows:

Sec. 2-410. Required records – payroll reports

(e) Locally owned small businesses with 10 full-time employees or less company-wide shall not be required to submit payroll reports but must have same available for public inspection during regular business hours.

- (1) Contractors and subcontractors that fall under this designation shall provide an affidavit indicating that the employees working on any project meet the City's Living Wage requirements. Said letter shall be signed by the owner and employees working on the project.
- (2) Contractors and subcontractors shall provide an annual update affidavit no later than July 10 of each year until completion of the contract.
- (3) Violations reported for companies under this subsection will be investigated and upon validation of the complaint will be subject to the penalties as defined in section 2-413.

SECTION 2. BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the council, signed by the chairman of the council, certified and delivered to the office of the mayor in writing by the comptroller and become effective as otherwise provided by law.

BILL MORRISON
BARBARA SWEARENGEN WARE
Council Members

MYRON LOWERY
Chairman of the Council

Attest:

Patrice Thomas, Comptroller.